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Office of the Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

In the matter of	)	**WT Docket No. 98-143**
	)	
1998 Biennial Regulatory Review –	)	RM-9148
Amendment of Part 97 of the Commission's	)	RM-9150
Amateur Service Rules	)	RM-9196
	)	

COMMENTS OF **Date: 24 November, 1998**

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To the Commission:

I. INTRODUCTION

1. In response to the proposed amendment of Part 97 of the rules, I hereby submit the following comments.

2. The "Incentive Licensing" system that went into effect in 1968 rendered the U.S. licensing structure too complex, but ultimately failed to accomplish the stated purpose of those changes. The U.S. licensing structure needs to be simplified, but no class of amateur should lose any existing operating privileges due to changes in the rules resulting from this proceeding. The Morse code requirement for full HF operating privileges that include voice transmission should remain at the present minimum speed of 13 wpm. There should be an intermediate-level licence with a reduced code speed requirement, that excludes voice privileges below 28 mhz but grants more HF operating privileges than the present Novice Class offers. The Commission should examine whether the continued existence of subbands is justifiable, whether for modes of emission or for licence class.

II. "INCENTIVE LICENSING" FAILED TO ACHIEVE ITS STATED OBJECTIVE.

3. Licensed since 1959, and Extra Class since 1963, I was active as an amateur operator during the debate over Incentive Licensing in the early 1960's, at the time the changes went into effect in 1968, and throughout the period up to the present. In retrospect, it is my observation that

Incentive Licensing was a dismal failure in terms of its stated objectives to increase the operating and technical proficiency of licensed amateurs and to reverse the trend that was taking amateur radio away from technical aspects of the art and orienting it towards communication using commercially built station equipment. If anything, that trend accelerated after the advent of Incentive Licensing. Today amateurs rarely construct or even repair their own station equipment, and the dominant interest amongst amateur licensees lies in communication instead of technical investigation. Complaints about poor and illegal operating practices have become widespread, especially regarding SSB operation on the HF voice segments and repeater operation on VHF. Conversations between amateurs over the air reveal amateurs to be generally much less knowledgeable about technical topics than they were in 1968. It is long overdue for the amateur community and the Commission to admit that Incentive Licensing failed and that the present-day overly complex licence structure should be dismantled.

III. SIX CLASSES OF LICENCE ARE UNNECESSARY

4. There should be only three classes of licence: vhf/uhf no-code, 5 wpm and 13 wpm. The no-code licence would essentially be identical to the present Technician Class. The 5 wpm code test would be accompanied by a technical/regulations written test appropriate to the privileges granted by that licence: full amateur privileges on all amateur frequencies, *excluding voice operation below 28 mhz.* Full voice privileges below 28 mhz would be granted with the 13 wpm code test, accompanied by an additional written examination comparable in difficulty to the present Advanced Class.

5. The present names of the licence classes should be scrapped and the three licence classes simply named Class C, Class B and Class A (or possibly Third, Second and First Class), respectively. The present-day name "Technician" does not accurately describe this licence. Few Technician licensees actually carry on technical experimentation. This class would be more accurately described by the name "Communicator." Nevertheless some no-code licensees doubtlessly do experiment and construct equipment. The name of the licence class should not imply what kind of activity the licensees are expected to pursue or that one of the activities allowed under the licence is more appropriate than any other.

6.The present Novice Class licence should be phased out. There seems to be relatively little interest in this entry route to amateur radio, compared to years past. Existing Novice licensees would be granfathered to full Class B privileges, which would include all non-voice modes of emission permitted on HF in addition to Morse telegraphy, at full legal power on all frequencies within each band. The special power restrictions in the present Novice subbands, and the limitation of the present 28 mHz Novice voice privileges to single-sideband (J3E) would be eliminated for Class B licensees. These additional privileges would make the Class B entry route more attractive than the present Novice, and current Novices would not lose existing privileges. The difference between a grandfathered Novice and a Class B licensee who took the new examination would lie in the written test. It would not be worth the additional administrative burden and expense, or the added complexity to the rules, to maintain a distinction between the

grandfathered Novice Class and the Class B licence.

7. I am presently active on both voice and morse code on the lower frequency HF bands. In the last decade I have noticed a significant decline in activity in the non-voice subbands, while the phone allocations remain relatively congested. While I question the need to maintain government sanctioned subbands of any kind, if they are not eliminated under the proposed restructuring, the HF voice subbands should be extended to the low-frequency edge of the present Novice segments of the 3.5, 7 and 21 mhz bands, to more realistically reflect current usage..

8. There is no justification, in terms of administrative expense, to maintain distinct Advanced and Extra Class licences with distinct operating privileges. Present General, Advanced and Extra Class would be grandfathered to Class A. One possible alternative would be to grandfather existing Advanced and Extra Class into the Commission's data base, but these classes of licence would carry no additional operating privileges beyond Class A, in a similar manner as Advanced Class was preserved as an acknowledgement of the old Class A, prior to Incentive Licensing. Thus, in keeping with the principle of not causing any loss of existing privileges under this restructuring proposal, present Advanced and Extra Class licensees would retain official acknowledgement of their previous accomplishments.

IV. THE 13 WPM TELEGRAPHY REQUIREMENT SHOULD BE RETAINED

9. The present 13 wpm code requirement should be retained for full operating privileges that include voice, in the HF bands below 28 mhz. Since code skills can only be acquired with substantial concentration and practice, the code requirement assures that access to the HF amateur bands is limited to persons who are willing to put forth a minimum degree of effort beyond merely memorising answers to multiple-choice written questions. This indeed serves as a kind of filter based on the law of supply and demand, wherein access to a limited resource such as HF voice allocations is attained only through an appropriate degree of effort. I am concerned that reducing the minimum licence requirements for voice operation will lead to increased congestion on the HF bands and additional infractions of the amateur service rules, as less-qualified amateurs crowd into the HF band segments. SSB operation in the HF amateur bands is already one of the primary sources of illegal operation and poor operating practices such as deliberate interference, threats of violence and on-the-air obscenities. This not only generates more demands on the Commission's resources as the public calls for enforcement action; such behaviour tarnishes the public's image of amateur radio, and of American society in general, throughout the world. This problem will inevitably increase severalfold if the number of licensees with access to the HF voice segments is substantially increased by reducing licensing requirements. HF SSB employs technology that is already more than 50 years old, and it is unlikely that granting this privilege to a large number of additional licensees via reduced examination requirements would make any positive contribution to the state of the art of radio communication..

10. The amateur radio Morse code requirement still benefits society by helping to preserve the art of telegraphy and maintaining a pool of experienced Morse code operators, as commercial and government agencies discontinue use of the code in routine daily operation. Several years ago, when the "Tall Ships" sailed into Boston Harbor, I had assumed that these ships were the products of antique sailing enthusiasts who had restored ancient sailing vessels or built replicas, but I learned that most of these ships were recently constructed at great expense by governments throughout the world not merely for showmanship, but for use in naval training exercises. The navies of many countries (US included) still require their officers to undergo training in the art of sailing wind driven vessels. Morse telegraphy is fundamental to the art of radio communication much as sailing is fundamental to the art of maritime navigation. The Morse Code requirement keeps this uniquely practical, effective, efficient and universal mode of communication alive in the amateur radio service and available for the benefit of the general public.

11. The Morse code requirement for general HF operating privileges should remain at least 13 wpm. Up through a speed of about 10 wpm, one can memorise a Morse Code chart and copy code by actually counting the dits and dahs as the characters are sent, and translating to the letters they represent. Copying above 10 wpm requires a completely different skill, recognition of the sound patterns of each of the characters. This accounts for the well-known "plateau of learning" wherein progress in the code seems to come to a halt at about 10 wpm, but with persistent practice copying speed eventually starts to advance once again. This can be explained by the fact that as a person reaches the limit of his ability to count dots and dashes, he must then shift to a new mode of copying. Once the person learns the basic sound patterns of the Morse alphabet, progress in copying speed resumes. This can be compared to reading. One doesn't look at each individual letter of a printed word one at a time; one learns instead to instantly recognise entire words on sight. In the same manner, one learns to recognise entire code characters by their sound patterns. Reducing the code speed to 10 wpm or less would eliminate the requirement to learn to receive Morse code by sound pattern. While this would still satisfy international treaty obligations, it would eliminate the requirement that amateur radio candidates truly learn the art of telegraphy.

12. In order to establish a uniform standard for the code examination, and to assure that the test is a valid instrument for examining Morse code proficiency, the Commission should specify the method of testing for code speed. I support requiring one solid minute of copy out of five minutes sent, instead of indirect methods such as answering multiple-choice or fill-in-the-blank questions.

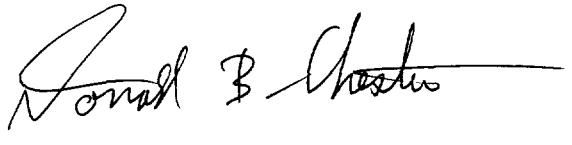
13. The need to grant waivers of the higher code speed requirements for the handicapped is not a justification to reduce these requirements for everyone. Volunteer examiners may make accommodations to meet the needs of disabled examinees. Only rarely does a physical handicap preclude a person from passing a 13-wpm Morse code test. The Commission should establish specific guidelines and procedures for granting waivers. The physician's role would be to provide expert information to the Commission regarding the person's medical condition and the physical limitations this may impose. Based on information provided by the physician, the

Commission would make the decision on whether or not a waiver is justified. To obtain a waiver, the disabled individual would first attempt to pass an accommodated test. If the candidate fails, then he or she could appeal to the Commission for a ruling and have a physician certify his/her condition to the FCC field office. The Commission would issue a waiver certificate based on the published guidelines. The candidate would present this waiver certificate to the volunteer examiner at the time of examination. This would protect the privacy of the candidate and assure a fair and uniform procedure for determining which candidates qualify for waivers.

V. IT IS QUESTIONABLE WHETHER SUBBANDS ARE STILL JUSTIFIABLE IN THE U.S. AMATEUR RADIO SERVICE.

14. US amateur privileges might be further simplified by eliminating subbands altogether, both by mode and operating class. Amateurs would be able to use any mode of emission permitted by their licence, on any frequency within any band assigned to their licence class. There would be only two limitations: Class B licensees could not transmit voice below 28 mHz and Class C licensees could not transmit on any frequency below 50 mHz. There is a precedent for the absence of subbands in the U.S. amateur service; the 1.8 mhz band has existed without subbands ever since it was fully restored to the amateur service, and operation on that band has been orderly with little conflict amongst operators of Morse code, voice and digital modes. Canada recently eliminated subbands from its amateur rules, and European amateurs have operated without government sanctioned subbands at least throughout the post-WWII period. If the U.S. amateur radio community wishes to maintain distinct band segments for voice and non-voice modes, this can be accomplished by voluntary band plans, rather than through government regulation that requires the Commission to expend limited resources to enforce what is essentially an internal matter that could be left in the hands of the amateur radio community. The longstanding contention that there is any justification for more restrictive subbands in the U.S. than in the rest of the world, is at least as outdated as anyone could claim for the Morse code requirement.

I appreciate the opportunity to offer my comments in this matter.



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